

JUDGE SCHEINDLIN

## United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

The Annuity, Welfare and Apprenticeship Skill  
Improvement & Safety Funds of the International  
Union of Operating Engineers Local 15, 15A, 15C  
& 15D, AFL-CIO et al.

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Metro Foundation Contractors, Inc.

08 CV 02935

TO: (Name and address of defendant)

Metro Foundation Contractors, Inc.  
144-45 156th Street, 2nd Floor  
Jamaica, New York 11434

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADY McGUIRE & STEINBERG, P.C.  
603 WARBURTON AVENUE  
HASTINGS-ON-HUDSON, NEW YORK 10706

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAR 20 2008

CLERK

DATE

(BY) DEPUTY CLERK

United States District Court  
Southern District of New York

The Annuity, Welfare and Apprenticeship Skill Improvement &  
Safety Funds of the International Union of Operating  
Engineers Local 15, 15A, 15C & 15D, AFL-CIO et al.,

Plaintiff(s)

AFFIDAVIT OF SERVICE

Case No. 08 CV 02935

-against-

Metro Foundation Contractors, Inc.,

Defendant(s)

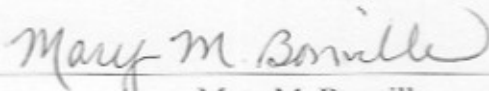
State of New York )

ss:

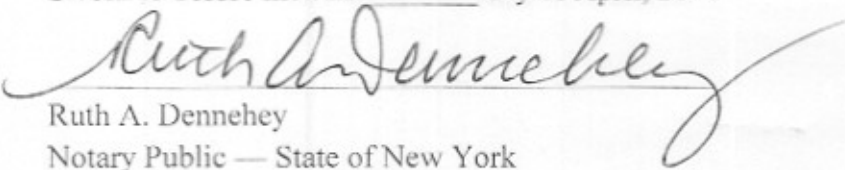
County of Albany )

Mary M. Bonville, being duly sworn, deposes and says:

Deponent is over the age of eighteen and is a resident of New York State and is not a party to this action. That on April 9, 2008 at approximately 3:45 PM deponent served the following specific papers pursuant to Section 306 of the Business Corporation Law, Summons in a Civil Action and Complaint, that the party served was Metro Foundation Contractors Inc., a domestic business corporation, the defendant in this action, by personally serving two copies of the aforesaid papers at the office of the NYS Secretary of State located at 99 Washington Avenue, 6th Floor, in the City of Albany, New York by delivering to and leaving papers with Donna Christie, a white female with blonde hair, being approximately 36-45 years of age; height of 5'0" - 5'3", weight of 130-160 lbs., being an authorized person in the Corporation Division of the Department of State and empowered to receive such service. That at the time of making such service, deponent paid the fee prescribed by Law in the amount of \$40.00.

  
Mary M. Bonville

Sworn to before me this 9th day of April, 2008

  
Ruth A. Dennehey  
Notary Public — State of New York  
Qualified in Albany County  
Registration No. 01DE4729775  
Commission Expires: 11-30-2010